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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,282	04/04/2001	Katsuhiko Haji	8305-208US (NP082-1)	4404

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PHILADELPHIA, PA 19103

EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 12/06/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☒ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is rejected because it is not clear what constitutes a "C₂- C₈ ethylene group." The claim is also rejected because there is no "h" in formula {5a)

Claim 3 is rejected because there is no "h" in formula (5a).

Claims 5 and 6 are rejected because formula (6b) of these claims is different from formula (6b) of claim 4.

Claim 10 is rejected because there is no "h" in formula (5a).

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbstman (4,332,595)..

Herbstman teaches a gasoline detergent additive represented by the formula $R-[O-CH_2-CH-(CH_3)]_y-NH-(CH_2)_3-NH_2$. wherein R is hydrocarbyl radical having 8 to 18 carbon atoms y is 2-6 (see abstract; col. 2, lines 10-19; col. 3, lines 18-29). This compound of claims embraces the prior art when R, is hydrocarbon, R_2-R_4 are H, b and d are 0, X is O and e is 2.

Accordingly, Herbstmann teaching all the material limitations of the claims, anticipates the claims.

Claims 1,10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mohr (5,348,560).

ND Mohr teaches a carbamate of the formula $R^1-CH_2-NH-COO[R^2-O]_n-R^3$ wherein R^1 is a polybutyl radical, R^2 a straight chain or branch C_2-C_6 alkylene and R^3 is H when n is 1-4 or C_1-C_6 alkyl when n is 0-4 (see col.2, lines 4-16). The carbamate are used in fuels in amounts from 10-5000 ppm (see col.2, lines 36-38).

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Accordingly, Mohr teaching all the material limitations of the claims, anticipates the claims.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-3, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishida (5,928,393).

Ishida teaches a fuel additive that embraces the additive of the instant claims. The amine additive and the nitrogen-containing additive embrace the compound of the claims, especially when Z of the claims is COO.(see abstract; col.2, lines 1-51; col. 3, lines 15-48). The additives are present in the fuel in an amount from 0.005-10% by mass (see col. 38, lines 8-12).

Accordingly, Ishida teaching all the material limitations of the claims, anticipates the claims.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by EP819753.

EP teaches a fuel additive that embraces the additive of the instant claims. The amine additive and the nitrogen-containing additive embrace the compound of the claims, especially when Z of the claims is COO (see page 1, lines 21-57; page 2, line 1, 23-43).

Accordingly, EP teaching all the material limitations of the claims, anticipates the claims.

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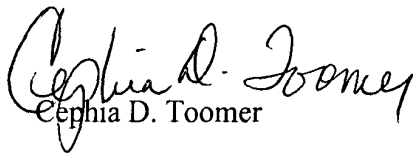
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,4-10 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Dever (US 5,810,894)..

Dever teaches a fuel additive comprising oligomeric olefin monoamine (see col.1, lines 30-40, col.2, lines 39-44). The molecular weight of the compounds is from about 400 to about 3,000 (see col.2, lines 50-51). The fuel contains from about 50 ppm to about 2000 ppm of the additive (see col. 6, lines 16-22).

Accordingly, Dever teaching all the material limitations of the claims, anticipates the claims.

Any inquiry concerning this communication should be directed to Cephia Toomer at telephone number (703) 308-2509


Cephia D. Toomer

Patent Examiner-1714

C. Toomer/ng

November 16, 2001